

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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REPEX VENTURES S.A., on Behalf of Itself :
and All Others Similarly Situated, :
Plaintiff, : Civil Action No.: 09-cv-00289-RMB
v. :
BERNARD L. MADOFF; BERNARD L. :
MADOFF INVESTMENT SECURITIES; :
BANK MEDICI S.A.; SONJA KOHN; PETER :
SCHEITHAUER; HERALD USA FUND; :
HERALD LUXEMBURG FUND; BANK :
AUSTRIA CREDITANSTALT; UNICREDIT :
S.A.; PRIMEO SELECT FUNDS; PIONEER :
ALTERNATIVE INVESTMENTS; THEMA :
INTERNATIONAL FUND PLC; ERNST & :
YOUNG LLP, and HSBC HOLDINGS PLC, :
Defendants.
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[Caption continued on the next page]

**THE FOXTON GROUP'S NOTICE OF MOTION AND MOTION TO
CONSOLIDATE, TO BE APPOINTED LEAD PLAINTIFF AND
FOR APPROVAL OF ITS SELECTION OF LEAD AND LIAISON COUNSEL**

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HORST LEONHARDT, on Behalf of Himself :
and All Others Similarly Situated, :
Plaintiff, : Civil Action No.: 09-cv-02032-UA
v. :
BERNARD L. MADOFF, BANK MEDICI :
S.A., SONJA KOHN, PETER :
SCHEITHAUER, HERALD USA FUND, :
HERALD LUXEMBURG FUND, BANK :
AUSTRIA CREDITANSTALT, UNICREDIT :
S.A., PRIMEO SELECT FUND, PRIMEO :
EXECUTIVE FUND, PIONEER :
ALTERNATIVE INVESTMENTS, THEMA :
INTERNATIONAL FUND PLC, HELMUTH :
E. FREY, FRIEDRICH PFEFFER, FRANCO :
MUGNAI, ALBERTO BENBASSAT, :
STEPHANE BENBASSAT, GENEVALOR, :
BENBASSAT & CIE, DAVID T. SMITH, :
GERALD J.P. BRADY, DANIEL :
MORRISSEY, ERNST & YOUNG S.A., :
ERNST & YOUNG GLOBAL LIMITED, :
HSBC HOLDINGS PLC, HSBC :
INSTITUTIONAL TRUST SERVICES :
(IRELAND) LIMITED, HSBC SECURITIES :
SERVICES (IRELAND) LIMITED, HSBC :
SECURITIES SERVICES, S.A., :
PRICEWATERHOUSECOOPERS, :
CHARTERED ACCOUNTANTS, :
PRICEWATERHOUSECOOPERS :
INTERNATIONAL LIMITED and :
FRIEHLING & HOROWITZ, :
Defendants. :
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PLEASE TAKE NOTICE that the Foxton Group, consisting of William Foxton, Neville Seymour Davis, and Chia-Hung Kao, hereby moves the Court for an Order:

1. consolidating the cases captioned *Repex Ventures, S.A. v. Bernard L. Madoff, et al.*, No. 09-00289; *Leonhardt v. Bernard L. Madoff, et al.*, No. 09-2032; and *Perrone, et al v. Benbassat, et al.*, No. 09-cv-2558 (the “Actions”);
2. appointing the Foxton Group Lead Plaintiff of a class (the “Class”) of all purchasers or acquirers of the Medici Funds¹ between January 1, 2004 and December 10, 2008 (the “Class Period); and
3. approving the Foxton Group’s selection of Johnson Bottini, LLP as Lead Counsel and Murray, Frank & Sailer LLP as Liaison Counsel for the Class.

The Foxton Group makes this motion based on the Memorandum of Law and Declaration of Gregory Linkh, both submitted herewith, and on all other pleadings, motions, and orders in the Actions.

DATED: May 4, 2009

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¹ The “Medici Funds” include the Thema Fund, the Primeo Select Fund, the Primeo Executive Fund, the Herald USA Fund, and the Herald Luxemburg Fund.

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Attorneys for the Foxton Group

DECLARATION OF SERVICE

I am an attorney admitted to practice in this district. I hereby certify, under penalty of perjury, that on this 4th day of May, 2009, I caused a true and correct copy of the foregoing document to be served on the persons listed below, 1) through this court's ECF system, 2) by e-mail, and/or 3) by causing a true copy thereof to be delivered by mail, postage prepaid:

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